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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/923,369	09/03/97	KOIKE	SONY-C5757

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LM12/0517

EXAMINER
BOCCIO, V

ART UNIT	PAPER NUMBER
2712	

DATE MAILED: 05/17/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/923,369

Applicant(s)
Koike et al.

Examiner
Vincent Boccio

Group Art Unit
2712



☒ Responsive to communication(s) filed on 2/22/99, Amendment-C

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 10-16 and 21-30 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 10-16 and 21-30 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☒ received in Application No. (Series Code/Serial Number) 08/563,188

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 10-16 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang(US 5,164,839) in view of Takada et al.(US 5,715,104).

Regarding claims 10-12, 15-16, 21 and 24 Lang discloses in Fig. 2, a video data recording and reproducing system for editing a source of video data(see col. 2, lines 29-38), said system comprising: a video tape recording means(see col. 3, lines 51-53, "...AVRU 11 may be a VCR...") for recording onto a tape medium with a first data rate("real time input rate, from one of the sources").

Lang further discloses a disc recording means, editing means and control means for controlling the Disc and VTR, functions such as recording from an external source, internal transfers, reproducing to various external unit mediums etc., editing internally and/or in combination with an external source, thereby

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controlling reproduction operation such as editing portions designated by an editing operation by the user thru user interface(see Fig. 1, control panels, switches or user interface controls etc.), reproduction/transmission, compression and format conversion {such as to RGB etc.} of received video and editing and handling of audio(see col. 1-2 and col. 5, line 40 to col. 8, line 59).

Note: "VCR-ET" is shown in Fig. 1, comprising elements, such as, shown in Figs. 1 A and 2-4 and is the editing system or unit itself.

It is clear **in the digital environment**, Lang can provide high speed input/output of information to and from VCR-ET-10 as seen in Fig. 1, and discloses the utilization of a conventional VCR or video tape recording means, being an analog VCR.

Lang discloses an AUX Digital Input-17 in Fig. 2, to the high speed data bus and further discloses the ability to transfer information to and from the high speed bus at high transfer rates.

Lang, fails to clearly and specifically describe wherein the video tape recording apparatus or VCR and associated tape medium is capable of transferring recorded information at high speed or higher than a real time rate to the disc recording means and vice versa.

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It is clear that, due to the limitation of the A/D conversion process, for converting analog video signals to digital in the era of Lang(1988), that commercially available high speed A/D converters can be provided, but the disclosure only associates 30 frames/sec transfers from the analog VTR-AVRU-11 to the disc recording means-13(see col. 4, line 64 to col. 5, line 15).

Lang further discloses that the recording and reproducing means, AVRU-11, can be a digital recording and reproducing unit(see col. 3, line 61 to col. 4, line 43), thereby transferring video and/or audio in digital form to and from the digital AVRU-11, and clearly suggests utilization of alternate storage apparatuses and media.

Takada et al., teaches in Fig. 3, an apparatus performing the process of high speed dubbing, utilizing a D-VTR(see Abstract and col. 3, lines 1-4), wherein the digital signals are in digital form(see Fig. 3, and col. 15, lines 1-35, digital signal dubbing input and output) and further discloses controlling by providing synchronization signals, from one unit, being a master reproducing unit, to a recording unit being a slave recorder, for performing dubbing at N fold speed reproduction and recording or high speed dubbing(see col. 16, lines 20-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify

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Lang by replacing the "AVRU-11 being a conventional analog VCR associated with media-23", with, "the digital tape recording apparatus and associated tape medium, having advantages of providing higher transfer rates or high speed dubbing N fold speeds as taught by Takada et al., thereby decreasing the amount of time required to transfer video and/or audio from tape recording and reproducing means or the AVRU-11 replaced with the high speed VTR, to the disc recording and reproducing means or memory unit-13 and vice versa, from the disc to the tape in any N-fold speed configuration to and from the two recording and reproducing means etc. (Tape and Disc of Lang).

Regarding claims 13, 22 and 25 and the combination applied meets the limitations of the first operation mode, for recording and reproducing in the first data rate and second data rate (N-fold speed and high speed transfers), between the disc and VTR and vice versa, wherein the editing means or controller (see CPU, controller and ROM unit-14 in Fig. 2).

Regarding claims 14, 23 and 26, the combination of Lang and Takada et al. further meet the limitation of a transfer means (see Fig. 2, "High Speed Bus-34") for transferring the reproduced video data from the tape recording means (Takada et al.), and said edited video data reproduced from the disc recording means.

Regarding claim 27, the combination further discloses, a video interface circuit for receiving said source video data (see

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Fig. 2); and a digital interface circuit for outputting edited video data(see Fig. 2, from Bus-34 to Audio/Video Tran/Rec. unit-22).

3. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Lang(US 5,164,839) and Takada et al.(US 5,715,104) as applied to the claims above and further in view of Radice(US 5,475,498).

Regarding claims 28-30, the combination of Land and Takada et al. fail to disclose the utilization of buffering of video and/or audio data to and from the VTR and Disc recording and reproducing units of the editing system or an input and output buffers, coupled to the VTR and Disc and associated buffer control means.

Radice, teaches the utilization of a video recorder interface unit(see Fig. 1, "record interface-12") for controlling and performing a buffering, or a memory unit and controller for performing buffering(see Fig. 2, "memory-36", and associated control circuitry, "control circuitry-50" and associated elements 52, 44 and 38) for inputted as well as outputted data to and from a digital video recorder(VTR etc.) for facilitating desired high speed transfers to and from(see Fig. 1 and 2) having the advantage of allowing a digital video recorder to function as a universal data recorder(see col. 2, lines 31-44), wherein the digital video recording unit is controlled based on capacities of

the input output buffering means(see col. 5, line 33 to col. 6, line 67).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the combination of Lang and Takada et al. by incorporating buffering for the VTR means and Disc means for inputting and outputting video and/or audio data to and from the VTR and disc recording/reproducing means(being digital recorders) as taught by Radice having advantages of enabling a digital video recorder to function as a universal data recorder by utilization of the interface apparatus and further controlling the buffer fullness by controlling the speed of reproduction of the reproduction unit so that the buffer never runs out or over-fills, and to output data at the specified rate such as 1 X, 2 X (see Radice, col. 3, lines 12-37).

Response to Arguments

4. Applicant's arguments filed 2/22/99 with respect to amended claims 10-16 have been fully considered but they are not persuasive.

{A} In re page 11, applicant states, "wherein said editing means...controls said recording operation of said video tape recording means..." It is respectfully submitted that Lang in view of Takada et al. fail to teach, indicate, or suggest this claim feature."

In response the examiner respectfully disagrees. The editing means is interpreted as merely the CPU or controller(see Lang Fig. 2, Unit-14, having a CPU-31, Rom-32 and user interface or controller-33) for controlling the recording and reproduction of the recording and reproduction units etc. of Lang, with a the user interface thru a user. Also, Lang supports editing functions, therefore unit-14, comprising a CPU etc., and performing editing, clearly the CPU meets the limitation of "editing means...controls said recording operation of said video tape recording means" etc..

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communication intended for entry)

or:

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

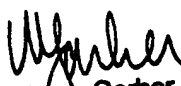
Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent F. Boccio whose telephone number is (703) 306-3022.

If any attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Wendy Garber, can be reached at 703-305-4929.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 703-305-3900.

V.F.B. *vfb*
April 28, 1999


Wendy Garber
Supervisory Patent Examiner
Technology Center 2700